



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,439	06/29/2000	Ernie F. Brickell	81674-265754	7765

27496 7590 04/07/2004  
PILLSBURY WINTHROP LLP  
725 S. FIGUEROA STREET  
SUITE 2800  
LOS ANGELES, CA 90017

EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
----------	--------------

2137

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

7

## Office Action Summary

Application No.

09/607,439

Applicant(s)

BRICKELL, ERNIE F.

Examiner

Courtney D. Fields

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Khan et al. U.S. Patent No. 6,401,206. Referring to claims 1 and 15, Khan et al. discloses a method for creating passwords by obtaining a plurality of questions and a plurality of answers corresponding to the plurality of questions and combining the plurality of answers into a single pass phrase, wherein the plurality of answers are concatenated together with a fixed random value and a cryptographic hash function in Column 6, lines 24-58, Column 7, lines 1-12, 30-45.

As per claims 2 and 16, Khan et al. discloses the claimed limitation of transmitting the plurality of questions to a remote server in Column 5, lines 50-52.

As per claims 3 and 17, Khan et al. discloses the claimed limitation of obtaining a set of questions and answers corresponding to the set of questions, combining the set of answers into a single pass phrase, and transmitting the set of questions and answers and the pass phrase to the remote server in Column 6, lines 27-67.

As per claims 4 and 18, Khan et al. discloses the claimed limitation wherein the plurality of questions consists of a plurality of pass phrase questions, the answers consists of pass phrase answers corresponding to the pass phrase questions and the set of questions consists of a question, and the set of answers consists of a answer corresponding to the question in Column 8, lines 12-18.

As per claims 5 and 19, Khan et al. discloses the claimed limitation wherein the plurality of questions are obtained by displaying a plurality of partial questions and obtaining completions to the plurality of partial questions in Column 8, lines 57-67, Column 9, lines 1-18.

As per claims 6 and 20, Khan et al. discloses the claimed limitation wherein the pass phrase is used to wrap data to be stored in a remote server in Column 8, lines 29-35.

As per claims 7 and 21, Khan et al. discloses the claimed limitation of displaying a plurality of entries for entering a plurality of pass phrase answers and combining the plurality of answers into a single pass phrase, combining the plurality of answers into a single pass phrase, wherein the plurality of answers are concatenated together with a fixed random value and a cryptographic hash function in Column 9, lines 47-57.

As per claims 8 and 22, Khan et al. discloses the claimed limitation of displaying the plurality of pass phrase questions corresponding to a plurality of pass phrase answers pre-stored in a remote server in Column 8, lines 61-67, Column 9, lines 1-8.

As per claims 9 and 23, Khan et al. discloses the claimed limitation of obtaining the plurality of pass phrase questions from the remote server in Column 6, lines 27-28.

As per claims 10,12,24, and 26, Khan et al. discloses the claimed limitation of providing an option for displaying the plurality of pass phrase questions in Column 6, lines 48-50.

As per claims 11 and 25, Khan et al. discloses the claimed limitation of requiring a retrieval pass phrase before the remote server will release the plurality of pass phrase questions, wherein the pass phrase is pre-stored in the remote server and is formed from a set of answers previously entered by the user in Column 12, lines 49-63.

As per claims 13 and 27, Khan et al. discloses the claimed limitation wherein a user having registered the set of questions is notified if anyone asks for the set of questions in Column 9, lines 66-67, Column 7, lines 1-13.

As per claims 14 and 28, Khan et al. discloses the claimed limitation of displaying the set of questions in Column 7, lines 21-25.

As per claim 29-30, Khan et al. discloses a system comprising a processor, a display connected to the processor, a computer memory connected to the processor including a viewing program for rendering information received from a server on the display a plurality of entries for entering a plurality of pass phrase answers and an option for requesting a plurality of pass phrase questions corresponding to the plurality of the pass phrase of answers, and a client program for combining the pass phrase answers to form

a single pass phrase, wherein if the option is chosen, an entry and an option is displayed in Column 12, lines 1-18.

As per claims 31-34, Khan et al. discloses a computer network comprising a plurality of question-answer request to determine if the validity of the answer, retrieving the information from the network to the user in Column 9, lines 19-46.

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Devine et al. U.S. Patent No. 6,598,167 discloses a secure customer interface for web-based data management.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 703-305-8293. The examiner can normally be reached on Mon - Thu 7:00 - 5:00 pm; off every Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*cdi*  
cdf

March 30, 2004

*Matthew B. Smithers*  
**MATTHEW SMITHERS**  
**PRIMARY EXAMINER**  
*Art Unit 2137*